

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

VICTOR VELASQUEZ, an individual, on
behalf of himself and on behalf of all other
persons similarly situated,

Plaintiff,

v.

SUN-MAID GROWERS OF
CALIFORNIA,

Defendants.

Case No. 1:21-cv-00194-AWI-EPG

ORDER LIFTING STAY AND SETTING
CASE DEADLINES

(ECF No. 25).

On June 2, 2021, the Court held a scheduling conference in this case and ordered that Plaintiff's merits' discovery and class certification discovery open. (ECF No. 17). At that time, the Court also set a briefing schedule for Plaintiff's motion for class certification. (Id.) A mid-discovery conference was held on December 8, 2021. (ECF No. 21).

On January 3, 2022, the Court approved the parties' stipulation requesting a stay in this case and continuance of all class certification motion deadlines in light of the class certification motion in *David Diaz v. Sun-Maid Growers of California*, Case No. 18CECG04502, pending before the Fresno County Superior Court (the "*Diaz*" action). (ECF No. 23).

On July 5, 2022, the Court issued an order regarding the status of this case. (ECF No. 26).

1 Based on the parties' joint report, the Court ordered that this action remain stayed until a ruling
2 was issued on the pending motion for class certification in the *Diaz* action. (Id. at 1). The Court
3 directed the parties to file a joint status report within seven days of the state court ruling. (Id.)

4 On December 28, 2022, the parties filed a joint status report stating that the state court
5 granted the motion for class certification in the *Diaz* action. (ECF No. 27). Plaintiff states that he
6 "intends to pursue the remaining claims in the present action that were not certified in the *Diaz*
7 action." (Id. at 2). Plaintiff requests that the Court set a hearing for Plaintiff's class certification
8 motion in, or after, January 2024. (Id.) Defendant argues that setting a schedule for class
9 certification is "premature" based on Defendant's belief that Plaintiff intends to pursue claims in
10 this case that were certified in the *Diaz* action, and because Defendant "intends to file dispositive
11 motions in the *Diaz* action, including but not limited to a motion for summary judgment and/or
12 adjudication, which may narrow the claims against Defendant." (Id. at 2-3). However, Defendant
13 agrees that any hearing on the motion should be held in 2024. (Id. at 3).

14 The Court has considered the parties' positions as well as the procedural posture of this
15 case. Given that this case was stayed pending a state court matter that has now resolved, the Court
16 will lift the stay in this case. Accordingly, the Court will now set a revised briefing schedule and
17 hearing date for Plaintiff's class certification motion.

18 The Court will issue an order setting deadlines for dispositive motions and scheduling the
19 remainder of this case following an order on the motion for class certification. However, nothing
20 in this order precludes any party from filing a dispositive motion at any time.

21 Accordingly, IT IS ORDERED as follows:

- 22 1. The stay in this action is lifted;
- 23 2. Pursuant to the Court's scheduling order (ECF No. 17), Plaintiff's merits' discovery
24 and class certification discovery is now open.
- 25 3. The Court sets the following briefing schedule: Plaintiff's motion for class
26 certification filed by December 8, 2023; Defendant's opposition due by January 12,
27 2024; and Plaintiff's reply due by January 26, 2024.

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IT IS SO ORDERED.

/s/ Eric P. Groj
UNITED STATES MAGISTRATE JUDGE